

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, et al.,
Plaintiffs,
v.
County of Maricopa, et al.,
Defendants.

No. CV-23-2482-PHX-SRB (DMF)

ORDER TO SHOW CAUSE

This matter is before the Court on its own review. This matter was removed from the Maricopa County Superior Court on November 29, 2023 (Doc. 1). On January 19, 2024, the Court issued a Screening Order and directed that:

If Plaintiff does not either obtain a waiver of service of the summons or complete service of the Summons and Complaint on a Defendant within 90 days of the filing of the Notice of Removal or within 60 days of the filing of this Order, whichever is later, the action may be dismissed as to each Defendant not served. Fed. R. Civ. P. 4(m).

(Doc. 3 at 2).

On February 6, 2024, Plaintiffs filed a First Amended Complaint (Doc. 7). All but three Defendants have been served and/or have appeared in this matter (Magat, Dailey, and Espinosa).¹ A Motion to Dismiss is currently pending as to Defendants Maricopa County, Struble, Crutchfield, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, Smith,

¹ These defendants were listed in the original Complaint as well as the First Amended Complaint.

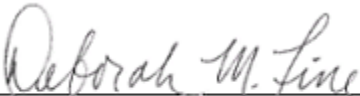
1 Chester, Rainey, Marsland, Maricopa County Sheriff Russell Skinner, and former
2 Maricopa County Sheriff Paul Penzone (Doc. 8).

3 The time for service has expired, *see* Fed. R. Civ. P. 4(m), and Plaintiffs have not
4 filed proofs of service as to Defendants Magat, Dailey, and Espinosa in this action.
5 Therefore, the Court will require Plaintiffs to file proofs of service, move for an extension
6 of time to complete service, and/or otherwise show cause why the claims as to Defendants
7 Magat, Dailey, and Espinosa should not be dismissed for failure to timely serve. Failure
8 to timely comply with this Order/effectuate service may result in the dismissal of these
9 Defendants from this action without prejudice.

10 Accordingly,

11 **IT IS ORDERED** that no later than **April 24, 2024**, Plaintiffs shall (1) file with the
12 Court proofs of service of process on Defendants Magat, Dailey, and Espinosa; (2) move
13 for an extension of time to complete service of process with a showing of good cause for
14 such extension of time; and/or, (3) otherwise show cause in writing filed with the Court as
15 to why the claims as to Defendants Magat, Dailey, and Espinosa should not be dismissed
16 for failure to timely complete service of process. Failure to timely comply with this
17 Order/effectuate service may result in dismissal of these Defendants from this action
18 without prejudice.

19 Dated this 2nd day of April, 2024.

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22 _____
23 Honorable Deborah M. Fine
24 United States Magistrate Judge
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